

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

1 RICARDO S. JUARBE-ACEVEDO,  
2 et al.,

3 Plaintiffs,

4  
5 v.

6 UNITED STATES OF AMERICA,

7 Defendant.  
8  
9  
10

Civil No. 97-1220 (JAF)

RECEIVED & FILED  
00 JUN-5 PM 8:55  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

SETTLEMENT ORDER

- 11  
12 1. This is a case filed pursuant to the provisions of the Federal  
13 Tort Claims Act (28 U.S.C. §§ 2671-80 (1994)).  
14  
15 2. The parties have agreed to settle and compromise the above-  
16 titled action under the terms and conditions set forth herein.  
17  
18 3. The United States of America, defendant, has agreed to pay to  
19 the plaintiffs and their attorney, Iris Y. Valentin Juarbe, the  
20 sum of Four Hundred Thousand dollars (\$400,000.00). This sum  
21 shall be in full as a final settlement of the present lawsuit  
22 and to compensate physical, mental, and moral suffering.  
23  
24 4. The settlement shall be in full disposition and satisfaction of  
25 any and all known and unknown, foreseen and unforeseen injuries,  
26 be it physical or mental and the consequence thereof, resulting,  
and to result, from the same subject matter that gave rise to

*for Finance Iris Valentin*

Civil No. 97-1220 (JAF)

2-

1 the above-captioned lawsuit, including any future claims, for  
2 which plaintiffs or their heirs, executors, administrators, or  
3 assignees, and each of them, now have or may hereafter acquire  
4 against the United States of America, its past and present  
5 agents, servants, and employees in both their official and  
6 personal capacities, except as to Ricardo Juarbe Acevedo's  
7 current claim under 38 U.S.C. § 1151 et seq.

8  
9 5. The plaintiffs and their guardians, heirs, executors,  
10 administrators, or assignees further agree to reimburse,  
11 indemnify, and hold harmless the United States of America, its  
12 past and present agents, servants, and employees from any and  
13 all such causes of action, claims, liens, rights, or subrogated  
14 or contribution interests incident to or resulting from further  
15 litigation or the prosecution of claims by plaintiffs or their  
16 guardians, heirs, executors, administrators, or assignees  
17 against any third party or against the United States of America,  
18 except as to Ricardo Juarbe Acevedo's current claim under 38  
19 U.S.C. § 1151 et seq.

20  
21 6. This settlement is in no way intended to be and shall not be  
22 construed as an admission of liability or fault on the part of  
23 the United States of America, its past and present agents,  
24 servants, or employees. This settlement has been entered into  
25 by all parties for the sole purpose of compromising disputed  
26

Civil No. 97-1220 (JAF)

3-

1 claims in the above-captioned lawsuit and avoiding the expenses  
2 and risks of further litigation.

3 7. Payment of the settlement amount will be as follows:

4 A. Plaintiff Ricardo Juarbe Acevedo \$267,000.00

5 B. Plaintiff Sylvia Juarbe Rivera \$ 13,000.00

6 C. Plaintiff Ricardo Juarbe Rivera \$ 10,000.00

7 D. Plaintiff Maribel Juarbe Rivera \$ 10,000.00

8 E. Plaintiff Maritza Juarbe Rivera \$ 10,000.00

9 F. Plaintiff Antonia Maria Juarbe Rivera \$ 10,000.00

10 G. Attorney Iris Valentin Juarbe \$ 80,000.00

11  
12 The payments described above include the sum of \$40,000.00  
13 corresponding to Maria C. Rivera which has been distributed  
14 by mutual agreement by the plaintiffs amongst themselves as  
15 her heirs.

16 8. Payment of the settlement amount will be made with a check for  
17 Three Hundred and Twenty Thousand dollars (\$320,000.00) payable  
18 to all plaintiffs, to wit, Ricardo Rivera, Maribel Juarbe  
19 Rivera, Ricardo Juarbe Rivera, Maritza Juarbe Rivera, Antonia  
20 Maria Juarbe Rivera, and Sylvia Juarbe Rivera, and a second  
21 check for Eighty Thousand dollars (\$80,000.00) payable to Iris  
22 Y. Valentin, plaintiffs' attorney. The monies will be deposited  
23 with the Clerk of the Court for disbursement through Court  
24 Order.  
25  
26

Civil No. 97-1220 (JAF)

4-

1 9. Plaintiffs represent that they have thoroughly discussed all  
2 aspects of this settlement with their attorney, that they are  
3 fully aware of their right to discuss any and all aspects of  
4 this matter with an attorney chosen by them, that they have  
5 carefully read and fully understand all fo the provisions of  
6 this settlement, and that they are voluntarily entering into  
7 this settlement.

8 10. The settlement shall be binding upon plaintiffs and upon their  
9 guardians, heirs, executors, administrators, successors and  
10 assignees.  
11

12 11. The settlement shall in all respects be interpreted, enforced,  
13 and governed under the laws of Puerto Rico.

14 12. Each party shall bear its own costs.

15 **IT IS SO ORDERED.**

16 San Juan, Puerto Rico, this 2nd day of June, 2000.

17  
18  
19   
JOSE ANTONIO FUSTE  
U. S. District Judge  
20  
21  
22  
23  
24  
25  
26